

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**DONALD MASCIO,
No. B15769,**

Plaintiff,

vs.

Case No. 15-cv-01318-NJR

**STATE OF ILLINOIS,
PENNY GEORGE,
DR. POWERS,
DR. M. ADAMS,
DR. NEGEL VINGAID,
DIANE KAROL,
UNKNOWN PARTY, and
IDOC DEPT. HEAD DIRECTORS,**

Defendants.

MEMORANDUM AND ORDER

ROSENSTENGEL, District Judge:

On December 1, 2015, Plaintiff Mascio, an inmate in the custody of the Illinois Department of Corrections, then housed at Vienna Correctional Center, filed a civil rights complaint pursuant to 42 U.S.C. § 1983 (Doc. 1). On December 22, Plaintiff notified the Clerk that his address had changed to Sheridan Correctional Center. By Order dated December 28, the Court dismissed the complaint without prejudice, concluding it had a number of flaws, including that it was not signed¹, no viable claim had been stated, and there was no prayer for relief (Doc. 9).

Plaintiff was directed to file an amended complaint by January 29, 2016. He also was forewarned that failure to file a proper complaint by the prescribed deadline would result in the

¹ There is no doubt that Plaintiff initially intend to file and prosecute this case. Although the pleading was not signed, he signed and filed multiple other documents submitted contemporaneously with the complaint (*see* Docs. 2, 3). He also updated his address after the Court granted him pauper status (*see* Doc. 8).

dismissal of this action, and that such a dismissal would count as one of his allotted “strikes” under the provisions of 28 U.S.C. § 1915(g). A review of the record confirms that the order of dismissal containing the deadline for amendment was sent to Plaintiff’s new address.

Plaintiff has not filed a complaint, and the deadline for doing so has passed. It appears that Plaintiff has abandoned this action.

IT IS THEREFORE ORDERED that, pursuant to Federal Rule of Civil Procedure 41(b), this action is **DISMISSED with prejudice** for failure to comply with a court order and failure to prosecute this action. Furthermore, this action is deemed frivolous for purposes of Section 1915(g); therefore Plaintiff will be allotted a **STRIKE** under the provisions of 28 U.S.C. § 1915(g). Judgment shall enter accordingly and this case will be closed.

IT IS FURTHER ORDERED that Plaintiff remains obligated to pay the filing fee. *See* 28 U.S.C. § 1915(b)(1); *Lucien v. Jockisch*, 133 F.3d 464, 467 (7th Cir. 1998).

IT IS SO ORDERED.

DATED: February 3, 2016

The image shows a handwritten signature in black ink that reads "Nancy J. Rosenstengel". The signature is written in a cursive, flowing style. To the right of the signature, there is a faint, circular official seal of the United States District Court for the District of Columbia.

NANCY J. ROSENSTENGEL
United States District Judge